

IN THE CLAIMS:

Please cancel claims 34-40, 42-47, 49, 51-65, 69-72, 80, 92 and 97 without prejudice to consideration in a continuing application. Also, please amend claims 81, 82, 84, 85, 90, 91 and 93 as reflected in the complete listing of all claims and their status that follows.

Claims 1-80 (cancelled)

81. (Currently amended) The kit of parts according to claim 85 ~~80~~, wherein said seal is integral with said tube.

82. (Currently amended) The kit of parts according to claim 85 ~~80~~, wherein said seal is a separate component mounted on said tube.

83. (Cancelled)

84. (Currently amended) The kit of parts according to claim 85 ~~80~~, wherein said fluent material is a curable biomaterial selected from the group of nucleus pulposus substitutes consisting of hyaluronic acid, fibrin glue, alginates, elastin copolymers and collagen gels.

85. (Currently amended) A kit of parts for sealably introducing fluent material directly into the disc space through an opening extending through the annulus fibrosis of said disc, comprising:

a tube having a passageway for the flow of fluent material therethrough and an extent adapted to be received in the opening of said annulus fibrosis, said tube having a seal adapted to engage said annulus fibrosis adjacent said opening and to form a fluid-tight seal therewith, wherein said tube extent is defined by ~~the~~ a distal tip of said tube, said distal tip being sized and configured to provide distraction of opposed vertebrae communicating with said disc space; and

a quantity of curable fluent material adapted to be introduced in a fluid state into said disc space through the passageway of said tube, said material upon curing having properties substitutive of the nucleus pulposus.

86. (Previously presented) The kit of parts according to claim 85, wherein said distal tip comprises at least one orifice communicating with said passageway to provide an exit path for said fluent material into said disc space.

87. (Previously presented) The kit of parts according to claim 85, wherein said distal tip is removable from said tube.

88. (Previously presented) The kit of parts according to claim 87, wherein there are a plurality of removable distal tips, each being of different size.

89. (Previously presented) The kit of parts according to claim 87, wherein said distal tip is formed of bioresorbable material.

90. (Currently amended) The kit of parts according to claim 85 ~~80~~, further including a syringe adapted to inject said fluent material into the passageway of said tube.

91. (Currently amended) The kit of parts of claim 85 ~~80~~, wherein said seal is adapted to reside within said opening of said annulus fibrosis.

92. (Cancelled)

93. (Currently amended) The kit of parts according to claim 85 ~~80~~, further including an injector adapted to be coupled to said tube for injecting said fluent material into said tube under pressure.

94. (Previously presented) The kit of parts according to claim 93, wherein said injector includes a syringe.

95. (Previously presented) The kit of parts according to claim 93, wherein said injector includes a pump.

96. (Previously presented) The kit of parts according to claim 93, wherein said injector includes a mixing chamber.

97. (Cancelled)